



FREDERICK COUNTY PLANNING COMMISSION

September 8, 2010

TITLE: Danac Remainder: Amendment to Building "B"

FILE NUMBER: SP 94-10 (AP# 10974, APFO # 10975 & FRO #10976)

REQUEST: Site Plan

Requesting site plan approval for a revision to a previously approved site plan. This application is proposing to decrease the overall building floor area as a result of a reduction in the previously approved building footprint for Building "B". The revised Building "B" is proposed to be 40,000 square feet of medical offices.

PROJECT INFORMATION:

LOCATION: Situated on the east side of Crestwood Boulevard, south of Bank Court.
ZONE: Office Research Industrial (ORI)
REGION: Frederick
WATER/SEWER: W-1 Dev. / S-1 Dev.
COMP. PLAN/LAND USE: Office Research Industrial (ORI)

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT: Abrams Development Group
OWNER: The Matan Companies
ENGINEER: Matis Warfield Consulting Engineering.
ARCHITECT: Not Listed
ATTORNEY: Miles & Stockbridge

STAFF: Tolson DeSa, Principal Planner

RECOMMENDATION: Conditional Approval

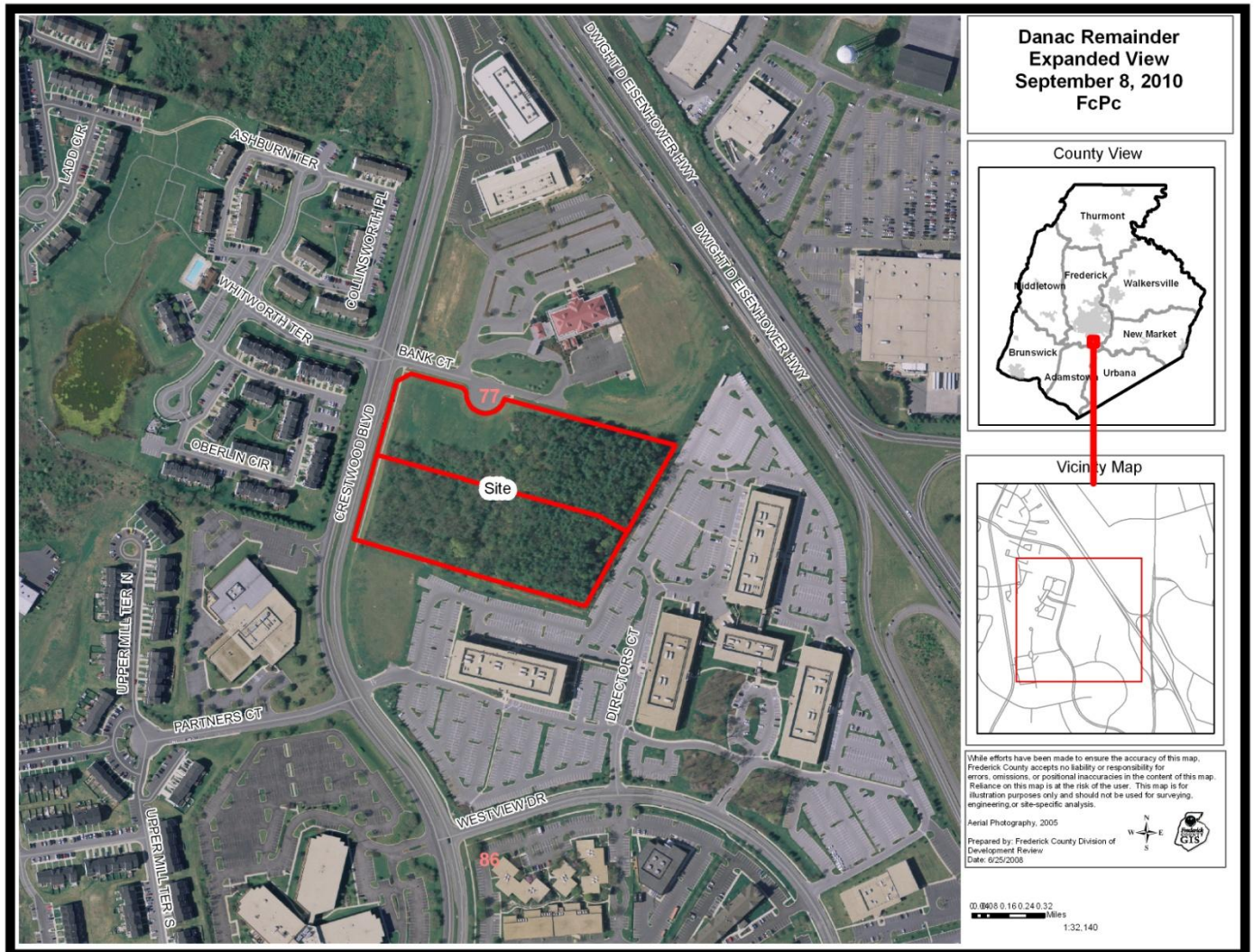
Enclosures:

Exhibit #1- Overall Site Plan
Exhibit #2- Letter of Understanding (LOU), dated 8/15/2007
Exhibit #3- Proposed Second Amendment LOU, dated 8/10/2010
Exhibit #4- Parking Space Surplus Modification Request, dated 8/16/2010
Exhibit #5- Loading Space Modification Request, dated 7/7/2010
Exhibit #6- Lighting Height Modification Request, dated 8/16/2006

STAFF REPORT

BACKGROUND

The proposed project is located on the remainder parcels of the Danac Center Subdivision, which was granted Preliminary Plan re-approval by the Frederick County Planning Commission on June 10, 1993. The site is located on the east side of Crestwood Boulevard just south of Bank Court. The surrounding use to the west is Residential and the use to the north and south is Office/Research Industrial.



On December 13, 2006, the Applicant received site plan approval for two (2) 2-story buildings each totaling 65,000 square feet on the two remaining lots (Lots A and B).

At the time, Building "A" on Lot A consisted of 42,000 square feet of professional office space and 23,000 square feet of medical offices. Building "B" on Lot B was proposed to consist of 65,000 square feet of professional offices.

The Applicant is requesting site plan approval and approval of an amended LOU in connection with a revision to a previously approved site plan. This application is proposing to decrease the overall building floor area as a result of a reduction in the previously approved building footprint for Building "B". The revised Building "B" is proposed to be 36,000 square feet of medical offices, with 4,000 square feet of professional offices. This reduction in size is needed in order to stay under the original peak hour trip cap approval to avoid further APFO testing requirements brought about by the expected greater use of medical office space, which generates traffic at a higher rate than professional office uses that were assumed in the original APFO approval.

The internal square footage breakdown for Building "A" is being revised from the previously approved site plan to reflect 60,000 square feet of medical offices, with 5,000 square feet of professional offices. The footprint and surrounding parking for Building "A" is not proposed to be altered as part of this site plan application.

ANALYSIS

Land Use: The proposed use is being reviewed as "Office Business and Office Professional" under COMMERCIAL BUSINESS AND PERSONAL SERVICES per Section 1-19-5.310 and per Section 1-19-7.610 in the Zoning Ordinance. The Applicant's proposed use of Professional Offices and Medical Offices is a principal permitted use in the Office Research Industrial (ORI) Zoning District; subject to site development plan approval.

Per Section 1-19-4.500 only one principal structure is allowed on a commercial and industrial zoned lot. The Applicant has constructed 1 building on each Lot. The proposed site plan complies with Section 1-19-4.500 due to the approval of an addition plat; Plat book 83, Page 22, AP #5033.

Zoning: The site is located within the Office Research Industrial (ORI) Zoning District. The zoning district across Crestwood Boulevard is (R-8) Residential; the zoning district to the south of the site is (MXD) Mixed Use District.

Dimensional Requirements/Bulk Standards: Section 1-19-6.100 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements are 50-foot front, 40-foot rear and 25-foot side yards or equal to the height of the structure whichever is greater. The maximum height allowed is 60 feet. The Applicant has proposed a maximum height of 41.10 feet and has provided 50-foot front, 209-foot rear and a 356- and 209-foot side yard setbacks.

Access/Circulation: The Applicant has constructed a shared 38-foot full movement monumented access onto Bank Court that serves both Lots. The Applicant has constructed 22-foot to 30-foot wide drive aisles within and around the site. A Declaration of Easement and Maintenance of Common Easement Agreement has been recorded in Liber 6483, Folio 039 providing for common access, shared utility services, shared parking and the like relating to the lots shown on this plan.

Frederick County Comprehensive Plan: Frederick Region

The Frederick County Comprehensive Plan indicates that the land use for the Danac subdivision is Office Research Industrial. The use proposed for the Danac Remainder site plan complies with the land use designation within the County Comprehensive Plan.

Public Transit: Crestwood Boulevard and Bank Court are currently served by the #10/ Mall to Mall Connector. This connector stops south of the site at Crestwood Boulevard and Westview Drive. There is also a potential public transit connection with the MD 85 Shuttle, which stops farther north of the site at the corner of Crestwood Boulevard and New Design Road.

Parking: Proposed parking pursuant to §1-19-6.22 (formerly 1-19-168) of the Zoning Ordinance.

“Building A” is constructed and only proposing a shift in allotted square footage to reflect 60,000 square feet of Medical Clinic use. For 60,000 square feet of floor area; 1 space is required for every 200 square feet of floor area devoted to examination, treating room, office and waiting room. Therefore, 300 spaces are required for the medical clinic area. The remaining 5,000 square feet of floor area will be dedicated to professional offices including doctors’ offices, which do not meet the definition of medical clinic. For 5,000 square feet of professional office space floor area; 1 space is required for every 300 square feet, which equals 17 spaces.

“Building B” is not constructed and proposes 36,000 square feet of medical clinic use, with 4,000 square feet for professional doctor’s offices. For 36,000 square feet of medical clinic floor area; 1 space is required for every 200 square feet of floor area, which equals 180 spaces. The professional office area is proposed to be 4,000 square feet, requiring 14 spaces at 1 space per 300 sq ft of floor area.

Total parking spaces required for both Building “A” & “B” is 511; the applicant is proposing 175 spaces for Building “A” and 351 spaces for Building “B”, a total of 526 including 10 universal design handicap accessible 24’x20’ spaces, as well as 4 standard handicap accessible 21’x18’ spaces.

The Applicant is proposing 15 parking spaces over the maximum established by the Zoning code. Therefore the Applicant is requesting a modification to permit 15 additional parking spaces. (See Exhibit #4)

This project was originally reviewed and approved in 2006, under an earlier version of the parking space zoning code requirement. The previous code required one space for every 100 square feet of medical office use and one space for every 400 square feet of professional office.

To date all of the site improvements for Phase One are constructed, which includes Building “A” and the field of shared parking to the west of Building A. The parking for Phase Two is also constructed, with the exception of the area that is proposed to be redesigned as part of this application. Therefore, because all of the parking was approved in 2006 and subsequently constructed, the Applicant is requesting a modification for the surplus of 15 spaces above code.

Staff has no objection to granting this modification for the parking surplus.

Loading Area: The required size and number of loading spaces are provided in §1-19-6.21 of the Zoning Ordinance. Under §1-19-6.21, the Applicant has to provide seven (7) large and four (4) small loading space.

The Applicant is proposing no more than four (4) small 9' x 20' loading spaces and is seeking a modification of the full requirements of Section 1-19-6.21. The Applicant has provided the following justification for providing only four small loading spaces; (See attached Exhibit #5)

1. Both buildings are occupied by a majority of medical office space. This type of tenant does not ordinary require freight deliveries by tractor trailer.
2. Deliveries and pickups associated with this type of tenant are commonly limited to smaller packages such as office and medical supplies which are ordinarily delivered by step vans or single axle vehicles.
3. No loading dock or drive-in door is proposed. The project will not attract tenants that would rely on deliveries of goods or other materials by tractor trailer.
4. Access into each building is from a common lobby space, no separate exterior entrance to any tenant space is proposed which would encourage deliveries from other than common lobby areas.

The Applicant is providing a 12'x50' "drop-off" area in front of Building "A" and "B" in order to provide a drop-off/pick-up area for patients as well as occasional moving truck or delivery.

Staff has no objection to granting this loading space modification.

Recycling Dumpsters: Recycling dumpsters for the site are located within the northeast corner of Phase One adjacent to Building "A".

Bicycle Racks: The Applicant has proposed to add 4 bike racks, two serving each building. The Applicant meets the requirements of the bike rack ordinance.

Utilities: The site is to be served by public sewer and water and currently holds an S-1/W-1 Classification for each Lot.

Lighting: The Applicant is proposing 16-foot tall freestanding light poles (measured from the ground to the light fixture). The Applicant has noted on the plan that lighting will not exceed 0.5ft/candles at the periphery of the site and lighting will be directional onto the site through the use of shielding and lighting orientation. The Applicant has provided a justification statement to exceed the 14-foot maximum light pole height required by Section 1-19-6.500.B.(1) of the Zoning Code. This modification request is only for the lighting surrounding Building "B", Building "A" received a lighting height modification during the initial site plan approval in December of 2006. The justification statement is attached as Exhibit #6. The Applicant has submitted and Staff has reviewed the photometric chart for the site and lighting.

Staff has no objection to granting the requested modification.

Landscaping: As required by the performance standards for the Office/Research Industrial District, per Section 1-19-7.620, the minimum landscaped open space shall not be less than 20% or 1.99 acres. The Applicant has delineated landscaping along the perimeter of the site, the exterior of the building, and within all of the islands on the site. The Applicant has provided 3.98 acres of landscaping which exceeds the 20% required by the Zoning Ordinance. A landscape plan has been submitted as part of the site plan. Typically Staff would require landscaping along all lines, which provides the necessary screening/buffering as stated in the Zoning Ordinance. However, due to the integrated design of the project and the proposed shared drive aisle and parking along the shared property line the typical landscaping cannot be provided. Staff has no objection to the proposed landscaping.

The Applicant has retrofitted several areas of the parking lot within Phase One, around Building "A" as well as Building "B" to conform to the landscaping requirements of 1-19-6.400.

The planting schedule follows the standard sizes that have been consistently approved by the Planning Commission.

Signage: The Applicant constructed a freestanding monumented sign for both parcels and a channel letters type building mounted sign for each building as shown on the plan. The signage calculation on sheet 2 of 7 indicates the maximum allowed signage is 177 square feet for each lot. The Applicant has provided a detail, which indicates the freestanding monument signs will not exceed 5.0 feet in height.

The existing freestanding signs comply with Section 1-19-6.310 of the Zoning Ordinance. The Applicant is not proposing any alterations to the existing and previously approved sign.

Adequate Public Facilities Ordinance (APFO): This project was reviewed for potential impacts on roads, water and sewer, and schools.

Adequate Public Facilities (APFO) Roads:

This project was reviewed, tested and mitigated for traffic impacts of up to 130,000 square feet of professional and medical offices with a maximum trip cap of 284 AM and 358 PM weekday peak hour trips.

A Letter of Understanding (LOU) was signed in August of 2007; all escrow accounts have been paid in full. Therefore, the APFO Roads requirement for this project has been fully mitigated. As a result of these proposed changes, no additional trips will be generated and the site is exempt from further testing.

Original LOU Background:

On May 30, 2006 "Abrams Development" had a Traffic Impact Analysis (TIA) prepared by The Traffic Group, with supplemental analysis dated September 12, 2006 and November 8, 2006. The LOU was based on these TIAs and dated August 15, 2007, and it limited the buildings to specific medical and professional land use types and specified exact areas for each.

First LOU Amendment:

The August 2007 LOU was amended with FcPc approval on May 12th, 2010, in order to adjust the square footage allotment for professional office space and medical office space within Building "A" (See attached). This administrative modification would permit the entire first floor of Building A to be a medical office use without exceeding the stated peak hour trip caps.

Proposed Second LOU Amendment:

The Applicant is proposing to amend the attached LOU. This Second Amendment will state the overall trip cap for the professional and medical office uses within both buildings as well as combine the overall building square footage cap for the buildings on Lot A and B without differentiation between buildings. It states: "This APFO approval will be effective for the two remaining buildings totaling up to 130,000 square feet of professional and medical offices and generating up to 284 AM and 358 PM weekday peak hour trips on the two remaining lots."

This amendment is intended to provide flexibility for future changes in prospective tenant uses and building footprints, provided that, in no instance shall the buildings collectively exceed the maximum approved square footage or the established trip cap. If the overall building square footage or established trip cap is exceeded as a result of a proposed building/site modification the Applicant will be required to retest for APFO.

The proposed Second Amendment replaces and supersedes the First Amendment approved by the Frederick County Planning Commission on May 12th, 2010.

Sewer and Water: *DUSWM* has approved the site plan.

Schools: This project is not subject to a schools adequacy test as this site plan proposes a non-residential use.

Forest Resource Ordinance (FRO): The forest plan was reviewed and approved in accordance with FRO. The FRO requirements have been mitigated by the purchasing 4.68 acres of banking credits as noted on the site plan by the Applicant.

OTHER AGENCY COMMENTS

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	Approved
<i>Development Review Planning:</i>	A few minor drafting issues noted in Hansen, in addition to items listed in the report.
<i>State Highway Administration (SHA):</i>	N/A.
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	Approved
<i>Health Dept.</i>	Approved
<i>Office of Life Safety</i>	Approved
<i>DPDR Traffic Engineering</i>	Approved
<i>Historic Preservation</i>	Approved

FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan and the Second Amendment to the LOU, the site plan is valid for a period of three (3) years from the date of Planning Commission approval and the APFO approval is valid until December 13, 2012 (per the Frederick County Extension Ordinance).

Staff has no objection to conditional approval of the site plan.

RECOMMENDATION

The Applicant is requesting site plan revision approval for one (1) existing and one proposed 2-story building. The existing Building A internal alterations on proposed Lot A will consist of 60,000 square feet of medical clinic space, consisting of floor area devoted to examination, treating room office, and waiting rooms and 5,000 square feet of professional offices including doctor's offices which do not meet the definition of medical clinics.

The proposed Building B on existing Lot B will consist of a reduction in overall square footage from the previously approved site plan to reflect 36,000 square feet of medical clinic space, consisting of floor area devoted to examination, treating room office, and waiting rooms and 4,000 square feet of professional offices including doctor's offices which do not meet the definition of medical clinics.

Should the Planning Commission approve this Site Plan (SP-94-10, AP 10974), the motion for approval should also include the following items:

1. Approval of the revised site plan for 3 years from today's date;
2. Approval of the proposed Second Amendment to the original Letter of Understanding (LOU) dated August 15th, 2007.
3. Approval of modification request for the surplus of 15 parking spaces over the maximum permitted by the Zoning Code. (See Exhibit #4)
4. Approval of modification request for a reduction in the number of required loading spaces. (See Exhibit #5)
5. Approval of modification request for an increase in height for the proposed lighting for Building B on Lot B. (See Exhibit #6)

Staff recommends that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.

Exhibit #1 Overall Site Plan: Danac Remainder



#5052



**DIVISION OF PERMITTING AND DEVELOPMENT REVIEW
FREDERICK COUNTY, MARYLAND**

Department of Development Review
30 North Market Street • Frederick, Maryland 21701
301-600-1134 • FAX: 301-600-1645 • TTY: Use Maryland Relay Service
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ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

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COUNTY MANAGER

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Gary W. Hessong
Division Director

**DEPARTMENT OF
DEVELOPMENT REVIEW**

Elisabeth S. Smith, P.E.
Chief, Engineering

Mark A. Depo
Director, Planning



TRUTHFULNESS • RESPECT
RESPONSIBILITY • FAIRNESS
CARE • CITIZENSHIP
CHARACTER COUNTS! and the Six
Pillars of Character are service
marks of the CHARACTER
Counts Coalition, a project of the
Josephson Institute of Ethics.

DANAC REMAINDER

The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and "Abrams Development," ("Developer") or assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements (or the required pro-rata contribution of funds to a road improvement escrow account as discussed in more detail below) for the property described below to be developed in compliance with the Frederick County Adequate Public Facilities Ordinance ("the APFO"). This Letter is in response to a Developer's Option Letter submitted to the Commission dated November 20, 2006. The Developer hereby agrees and understands that unless the below-described improvements or pro-rata escrow account contributions have been made, development will not be permitted to proceed.

This Letter concerns itself with Danac Remainder, a 10 acre parcel of land, which is zoned Office Research Industrial (ORI), located on the remainder parcels of the Danac Center Subdivision, on the east side of Crestwood Boulevard just south of Bank Court. The site is designated as parcel 32 and 93 on an Addition Plat entitled "Addition Plat DANAC Remainder", recorded among the land records of Frederick County at Plat Book 83 Book 22.

This APFO approval will be effective for the construction of two (2) 2-story buildings each totaling 65,000 square feet on the two remaining lots (proposed Lots A and B). Building A on proposed Lot A will consist of 42,000 square feet of professional office space and 23,000 square feet of medical offices. Building B on proposed Lot B will consist of 65,000 square feet of professional offices as shown on the Site Plan entitled "DANAC Remainder (Proposed Office Buildings Bank Court at Crestwood Boulevard) SP-94-10," which was conditionally approved by the Commission on December 13, 2006 ("Site Plan").

Water and Sewer Improvements

While the public water and sewer facilities proposed to serve the Project will be adequate for this development, the Developer is aware that capacity is not guaranteed until purchased. APFO approval for water and sewer does not guarantee that plats will be recorded and building permits issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 (of Subdivision Regulations). Plats cannot be recorded until water and sewer improvements to the property line are within (90) days of completion.

DANAC REMAINDER, LOU
FINAL

Schools

Schools are not required to be tested because of the commercial use of the property.

Road Improvements

On May 30, 2006 "Abrams Development" had a Traffic Impact Analysis prepared by The Traffic Group, in connection with the approval of the Site Plan for "DANAC Remainder" as shown on the proposed Site Plan. Pursuant to comments from the State Highway Administration and the Frederick County Division of Permitting and Development Review on the Traffic Impact Analysis and Site Plan, "Abrams Development" had a supplemental analysis prepared by The Traffic Group, which was submitted on July 26, 2006, with supporting documents submitted on September 12, 2006 and November 8, 2006, (collectively the "TIS").

The Developer shall make the following contributions and/or improvements for mitigation. These contributions and/or improvements have been determined to be the following:

- 1 • Contribute \$19,400.00 (9.7% of improvement cost) to the existing escrow account at New Design Road /Crestwood Boulevard (#21556) for signalization of this intersection
- 2 • Contribute \$23,380.00 (9.7% of improvement cost) to a new escrow account for the construction of a southbound right-turn lane on New Design Road at Crestwood Boulevard.
- 3 • Contribute \$2,550.00 (2.3% of improvement cost) to the existing escrow at New Design Road/Corporate Drive (#21564) for signalization of this intersection
- 4 • Contribute \$3,800.00 (2.3% of improvement cost) to a new escrow account for the construction of a northbound right turn lane on New Design Road at Corporate Drive.
- 5 • Provide the remaining balance, \$37,355.00, of the existing escrow at MD 85/Crestwood (#21554) for 3rd eastbound left turn lane at the intersection.
- 6 • Contribute \$6,955.00 (4.7% of improvement cost) into the existing escrow for MD 85/Crestwood Boulevard (#21555) for a 3rd southbound thru lane at this intersection.
- 7 • Contribute \$4,880.00 (4.7% improvement cost) to a new escrow account for the construction of a Crestwood Boulevard acceleration lane from MD Route 85 to the first driveway toward the west (approximately 450 feet) in order to facilitate a southbound free right turn lane along MD 85.
- 8 • Contribute \$11,815.00 (4.7% improvement cost) to a new escrow account for the addition of a northbound MD 85 right turn lane at the intersection with Crestwood Boulevard.
- 9 • Contribute \$3,665.00 (4.7% improvement cost) to a new escrow account for the restriping of Shockley Drive to accommodate a left turn lane.

All Paid
The APFO approval for development of the site plan for DANAC Remainder shall be valid for a period of three (3) years from the date of the Planning Commission approval, (December 13, 2009).

eff. to 12/13/12

DANAC REMAINDER, LOU
FINAI.

Abrams Development

By: _____

Name: Mickey Abrams,

Title: President

Date: 8/9/07

Attest: Suzanne F. Cotton

Name: SUZANNE F. COTTON

Title: EXECUTIVE ASSISTANT

Date: 8/9/07

Frederick County Planning Commission

By: _____

Bob White; Chairperson

or

Joseph Brown, Vice Chairperson

Attest: Gary Hessong

Gary Hessong

Director,

Division of Permitting & Development Review

Date: 8/15/2007

Date: 8/15/07

KAM
8/10/07

8/7/07 JPA

DANAC REMAINDER, LOU
FINAL

**SECOND AMENDMENT TO ADEQUATE PUBLIC FACILITIES
LETTER OF UNDERSTANDING - DANAC REMAINDER**

This Second Amendment ("Second Amendment") to Adequate Public Facilities Letter of Understanding, Danac Remainder, dated _____, 2007, between the Frederick County Planning Commission ("Commission") and Abrams Development ("Developer"), (referred to herein as "Letter"), is made this ____ day of _____, 2010, by and between the Commission and Developer.

Explanatory Note: This Second Amendment is made for the purpose of memorializing an aggregate maximum approved square footage for the buildings on Lot A and Lot B, and for the purpose of instituting a "trip cap" measure, each of which are intended to provide flexibility for future changes in prospective tenant uses and building footprints, provided that, in no instance shall the buildings collectively exceed the maximum approved square footage and/or established trip cap.

The Letter is hereby amended as follows:

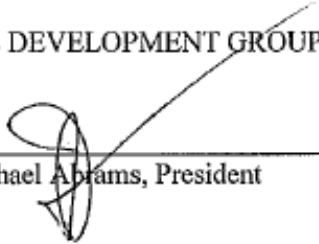
1. The Explanatory Note set forth above is incorporated into the Letter as if fully restated herein.
2. The third paragraph on page 1 of the Letter is hereby deleted in its entirety and replaced with the following new paragraph:

"This APFO approval will be effective for the two remaining buildings totaling up to 130,000 square feet of professional and medical offices and generating up to 284 AM and 358 PM weekday peak hour trips on the two remaining lots, Lots A and B, as shown on the site plan entitled "DANAC Remainder (Proposed Office Buildings Bank Court at Crestwood Blvd.) SP 94-10, which was conditionally approved by the Commission on September 8, 2010".

This Second Amendment replaces and supersedes the First Amendment approved by the Frederick County Planning Commission on ____, 2010.

Except as herein modified, the Letter shall remain unchanged and in full force and effect.

ABRAMS DEVELOPMENT GROUP

By:  (SEAL)
J. Michael Abrams, President

Date: 8/10/10

FREDERICK COUNTY PLANNING COMMISSION

By: _____ (SEAL)
Catherine Forrence, Chair

Date

ATTEST:

Gary Hessong, Director

Date

Planner's Initials/Date _____

County Attorney's Office Initials/Date _____

(Approved as to legal form)



August 16, 2010

Mr. Tolson DeSa, Principal Planner I
Frederick County
Division of Permitting and Development Review
30 North Market Street
Frederick, Maryland 21701

RE: DANAC Remainder Office Buildings
County File # SP 9410 Project 10974



Dear Mr. DeSa,

We offer the following in support of our assertion that the parking standards for the referenced site are reasonable and necessary given the proposed tenancy.

The project was originally approved as phased development consisting of two 65,000 square foot two story buildings. At that time the tenancy was contemplated as a mix of medical and professional office uses. The parking requirement was derived under the previous set of County standards which required 1 parking space per 100 square feet for medical clinic floor area devoted to examination, treating room office and waiting room and 1 parking space per 400 square feet of floor area for professional office use. As you are aware, those particular standards have now been replaced pursuant to § 1-19-6.220.

Construction of the first building, (Building A) along with the majority of the site improvements, including utilities, parking lots, driveways, sidewalks and landscaping commenced in 2007 and was completed in 2008. Consequently all the driveways and parking areas in Phase One are complete today, as well as the majority driveways and parking areas in Phase Two. The only unimproved portion of the site is limited to the area coincidental with the Building B footprint. Since the final lift of paving has not been installed in the Phase Two portion of the site, parking spaces within Phase Two have not been striped. Accordingly those parking areas are not officially in use or available to the general public.

The 1st floor of Building A has now been fully leased to a medical use tenant and the developer anticipates that the balance of Building A and Building B would likely lease to similar tenants. In expectation of an overall increase in medical tenancy and the estimated parking demands associated with such tenancy, the developer has reduced the footprint of Building B to 20,000 square feet and has proposed some additional parking in that "recaptured" footprint area.

The current plan also contemplates phasing of the site improvements. Although the 50 parking spaces just east of Building B, (located within a portion of the former building footprint) are not presently constructed, the majority of the Phase Two area improvements, as described above, are in place today. In light of the same, there would be no practical rationale, nor would it be reasonable to require the developer to eliminate or reconfigure any existing parking areas to achieve standards corresponding strictly to the parking demands associated with Building A.

Matis Warfield, Inc. 410.683.7004
10540 York Road, Suite M 410.683.1798 FAX
Hunt Valley, MD 21030 www.matiswarfield.com

The breakdown of uses and parking are as follows:

Building A – 65,000 sf

60,000 sf of medical clinic @ 1 p.s. / 200 s.f. of floor area devoted to examination, treating room office and waiting room.	= 300 spaces
5,000 sf of professional offices including doctors offices which do not meet the definition of medical clinic @ 1 p.s. / 300 s.f.	= 17 spaces
Total parking required for Building A	= 317 spaces

Building B- 40,000sf

36,000 sf of medical clinic @ 1 p.s. / 200 sf of floor area devoted to examination, treating room office and waiting room	= 180 spaces
4,000 sf of professional doctors offices which do not meet the definition of medical clinic @ 1 p.s. / 300 sf	= 14 spaces
Total parking required for Building B	= 194 spaces

Total parking required overall	= 511 spaces
Total parking provided overall	= 526 spaces
Total parking provided in excess of code	= 15 spaces or 3% of total
Total parking provided within Phase One	= 345 spaces

The above calculations demonstrate the project parking is within industry accepted and Frederick County standards for the anticipated medical tenancy. Parking areas available to Building A under Phase One development contain 345 spaces, or only 28 spaces in excess of what is needed to support Building A. Upon construction of Building B, overall parking will exceed Frederick County standards by 15 spaces or just 3% of the requirement.

With respect to any existing double loaded parking module shown on the plan which exceeds the maximum 60 foot standard pursuant to § 1-19-6.220, we offer that these areas were approved and constructed under a prior set of standards and there would be no practical rationale in reconstructing these parking areas to comply with the current standards. Dimensions for any new parking area (area east of Building B) will comply with the Division of Permitting and Development Review Traffic Engineer's request to limit that dimension to no greater than a double loaded 62 foot module. The justification for that dimension being that the medical tenancy has a mix of both short and extended term parking and the larger module allows for ease of access to the parking spaces by patrons.

I trust that this information will be helpful in determining whether the Site Plan meets the spirit and intent of the Division of Permitting and Development Review's standards related to parking.

MATIS WARFIELD, INC.

James E. Matis, P.E.
enclosures
copy J. Michael Abrams
Andrew DiPasquale, Esq.

MATISWARFIELD
Consulting Engineers

July 7, 2010

Mr. Tolson DeSa
Frederick County Division of Permitting and Development Review
30 North Market Street
Frederick, Maryland 21701

RE: DANAC Remainder Office Buildings
County File # SP 9410

Dear Mr. DeSa,

On behalf of the project developer we herewith submit the following information in support of providing no more than four 9 foot x 20 foot small loading spaces. Section 1-19-6.210 is applicable to tenants of 5,000 square feet or more that require delivery of goods and would compel a project of this size, (105,000 sf) provide up to 7 large loading spaces and 4 small loading spaces. We do not believe it is reasonable to expect a project of this tenancy and limited size would utilize anymore than four small loading spaces given that:

- The buildings will be utilized for medical office space. This type of tenancy does not ordinarily require freight deliveries by tractor trailer.
- Deliveries and pickups associated with this type of tenancy are commonly limited to smaller packages such as office and medical supplies which are ordinarily delivered by step vans or single axle vehicles.
- No loading dock or drive-in door is proposed. The project will not attract tenants that would rely on deliveries of goods or other materials by tractor trailer.
- Access into each building is from a common lobby space, no separate exterior entrance to any tenant space is proposed which would encourage deliveries from other than the common lobby area.

Deliveries by the Postal Service, Fed Ex, UPS and the like are anticipated, and can be accommodated in the 4 small loading spaces proposed, or in the two 12' x 50' "drop off" area, adjoining the main entrance to each building. Although a moving van could be expected on a very infrequent basis; the 12' x 50' "drop off" areas adjoining the main building entrances can easily accommodate those vehicles

I trust that the aforesaid is sufficient justification for the approving authority to conclude that the number of loading spaces provided on the plan is acceptable.

Very truly yours,
MATIS WARFIELD, INC.

James M. Matis, P.E.
JEM:mt
Enclosures
cc: J. Michael Abrams
Andrew DiPasquale, Esq.

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Matis Warfield

consulting engineers

August 14, 2006

Mr. Justin Horman
Frederick County Division of Permitting and Development Review
12 East Church Street
Winchester Hall
Frederick, Maryland 21701

RE: DANAC Remainder Office Buildings
County File # SP 9410
Project Number: 5051

Dear Mr. Horman,

You had requested that our office provide justification for the design of proposed parking lot lighting fixtures at heights exceeding 12 feet.

The unwanted consequences of using mounting heights of 12 feet in this application are:

- A disproportionate number of fixtures will be required. A 40% increase in the number of fixtures (13 additional lamps) was needed merely to reduce the lighting height from 30 feet down to the 16 feet as currently proposed.
- Additional lighting fixtures will require additional poles, which in turn, limit the placement and quantity of trees within the parking area.
- Energy consumption will climb sharply due to the increase in the number of fixtures necessary to maintain the same level of lighting.
- Poor light uniformity would result. Maximum mounting heights are required for proper aiming of luminaires to reduce glare. Lowering mounting heights any further will create excessively bright areas resulting in glare.

I trust that we have satisfied your concerns related to this issue and that fixture mounting heights of 16 feet can be approved.

Very truly yours,
MATIS WARFIELD, INC.

James E. Matis, P.E.

JEM/jm

Enclosures

Copy: J. Michael Abrams

Melanie Moser

Andrew DiPasquale, Esq.

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Danac Remainder

September 8, 2010

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